

## MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

### FORMAL SESSION June 8, 2005

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., June 8, 2005, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

### **INVOCATION**

Joe Robles, Catholic Diocese, delivered the invocation.

### **PLEDGE OF ALLEGIANCE**

Terri Leija, District 4, led the assemblage in the Pledge of Allegiance.

### **PET OF THE MONTH**

Julie Bank introduced two pets of the month from Maricopa County Animal Care & Control (MCACC), Sylvester and Simba, brother-cats who were turned in to MCACC because their family developed allergies. The "boys" are neutered and vaccinated and ready for a new home and family and it is hoped that someone will adopt both of the brothers so they can remain together. They will be available at the center at 5231 N. 35<sup>th</sup> Ave. Ms. Bank said this would be "a very good month to help us out as we have too many kittys in our facility and not enough places for them to go." The phone number is 602-506-PETS and the web site is [www.pets.maricopa.gov](http://www.pets.maricopa.gov) where pictures of adoptive animals may be seen.

### **2005 SAFETY RODEO WINNERS**

Bill Warren, RMX, presented the winners of the Maricopa County 2005 Safety Rodeo. The Rodeo tests users of heavy duty equipment on their knowledge and abilities in operating the equipment using safety measures. He said, "We can identify the best of the best from the nine different cities (and the County) that participated this year." The winners are as follows: (C7505018900) (ADM2000)

#### **Backhoe CERTIFIED WINNERS**

- 1<sup>st</sup> Clinton Roland City of Gilbert
- 2<sup>nd</sup> Stan Marble MCDOT
- 3<sup>rd</sup> Mark Long Flood Control

#### **Big Dig Backhoe Team CERTIFIED WINNERS**

- 1<sup>st</sup> Andy Santiago, Gabriel Hernandez, Vince Buckner MCDOT
- 2<sup>nd</sup> Stan Marble Daniel Molina Ralph Peterson MCDOT
- 3<sup>rd</sup> Roderick Miller, Sam Hiatt Sherman Gaines MCDOT

#### **Dump Truck CERTIFIED WINNERS**

- 1<sup>st</sup> Hector Navarro ADOT
- 2<sup>nd</sup> Miguel Figueroa ADOT
- 3<sup>rd</sup> Julian Castillo ADOT

#### **Forklift CERTIFIED WINNERS**

- 1<sup>st</sup> Manny Bustamante MCDOT
- 2<sup>nd</sup> Rick Hetrick Town of Gilbert
- 3<sup>rd</sup> Jason Cano ADOT

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**Grader CERTIFIED WINNERS**

- 1<sup>st</sup> Jesus Oviedo MCDOT
- 2<sup>nd</sup> Pete Gonzales ADOT
- 3<sup>rd</sup> Thomas Conde MCDOT

**Loader CERTIFIED WINNERS**

- 1<sup>st</sup> Hector Navarro ADOT
- 2<sup>nd</sup> Miguel Figueroa ADOT
- 3<sup>rd</sup> David Miller ADOT

**Pick-up Truck CERTIFIED WINNERS**

- 1<sup>st</sup> Jose Morales MCDOT
- 2<sup>nd</sup> Eddie Enriquez City of Phoenix
- 3<sup>rd</sup> Joseph Fernandez Town of Gilbert

**Safety Challenge Team CERTIFIED WINNERS**

- 1<sup>st</sup> Miguel Figueroa, Julian Castillo ADOT
  - 2<sup>nd</sup> Pete Gonzales, Hector Navarro ADOT
  - 3<sup>rd</sup> Karen Stewart MCDOT, Cynthia Covarrubias City of Phoenix
- Linda Watts MCDOT Greg Watts FCD

**Skid Steer CERTIFIED WINNERS**

- 1<sup>st</sup> Mark Long Flood Control
- 2<sup>nd</sup> Jose Morales MCDOT
- 3<sup>rd</sup> Greg Watts Flood Control

**Traffic Control Team CERTIFIED WINNERS**

- 1<sup>st</sup> Mark Patton Daniel Quinonez MCDOT
- 2<sup>nd</sup> Tim Wise Manuel Verduzco Mike Garcia MCDOT
- 3<sup>rd</sup> Pete Gonzales – David Miller – Hector Navarro ADOT

**ASSISTANCE PACKAGE TO MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT**

Item: Approve the Maricopa County Board of Supervisors' assistance package to the Maricopa County Special Health Care District as stated in the Special Health Care District's Resolution dated June 6, 2005. (Addendum item A-1) (ADM2100-005) (ADM4496)

David Smith, County Manager, reviewed some salient points in the history of the transition process of the Special Health Care District (SHCD). He also outlined the progression of this offer of assistance. On June 6, 2005 the SHCD adopted a proposal to be presented to the Board of Supervisors as detailed below.

**SHCD Agenda Item:**

Discussion and Action regarding District-County Transition IGA, Transition of Health Plans, County's Offer of Assistance-Letter of Agreement to District, District's Response-Resolution to County, and County's Reply to District's Response-Resolution – Board Direction to MIHS Administration, Counsel and Staff

**Action Taken by the SHCD:**

A motion was made by Ms. Hendrix, seconded Ms. Morris, and unanimously carried with a vote of 4-0. Be it resolved by the Maricopa Special Health Care District Board of Directors as follows:

"The District adopts the Maricopa County Board of Supervisors assistance package of May 31, 2005, as the District's own proposal to the Board of Supervisors."

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An additional motion was made by Ms. Morris, seconded Dr. Cuendet, and unanimously carried with a vote of 4-0. Be it resolved by the Maricopa Special Health Care District Board of Directors as follows:

"The Board authorizes the District President to notify AHCCCS that it accepts the Maricopa Health Plan, and rejects the Maricopa Long Term Care Plan if the County accepts the proposal made by the Board under the immediately preceding resolution, and to this end the District President is further authorized to take all steps necessary to implement such acceptance and such rejection under the Transition IGA and under AHCCCS requirements."

After the introduction of this item by Mr. Smith, motion was made by Supervisor Stapley to approve the proposal from the Special Health Care District, which was to request assistance from Maricopa County as outlined in the Maricopa County Board of Supervisors' assistance package of May 31, 2005. (copied here).

**MARICOPA COUNTY PROPOSED ASSISTANCE PACKAGE  
TO THE MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT**

**WHEREAS**, the Maricopa County Board of Supervisors, (hereinafter "County") this 31<sup>st</sup> day of May 2005, does hereby offer the following assistance package to the Maricopa County Special Healthcare District (hereinafter "District") as a means to assist in stabilizing the District and in facilitating the orderly transfer of all assets and liabilities consistent with the Amended and Restated Transition IGA dated November 1, 2004 (hereinafter "Transition IGA").

1. Maricopa County agrees to restructure the \$15 million working capital line of credit available pursuant to the Transition IGA, Section 6.2.2. The County will extend the term of payback of this working capital line of credit to 10 years (all payable at the end of the 10<sup>th</sup> year). The County will waive interest for the first 5 years, with interest payable for the 2<sup>nd</sup> five-year period at the rate earned by the County Treasurer over that period.

It is acknowledged that such restructuring of the working capital line of credit amounts to a forgiveness of or below market interest valued at approximately \$4 million.

2. Maricopa County agrees to waive all costs of the 1<sup>st</sup> election (formation of the District). (It is acknowledged that such waiver amounts to forgiveness of approximately \$1.6 million.)
3. Maricopa County agrees to continue or to transfer the task orders to the District, or to pay a cash value of those task orders to the District, up to \$3 million in total, as determined by the District Board.
4. Maricopa County agrees to forgive the Districts' July 1, 2005, payment of the Comprehensive Healthcare Center (CHC) debt service (\$1.1 million).
5. Maricopa County agrees to prepay on July 1, 2005, \$5 million for 05/06 Correctional Health Services or other services (\$5 million) which the District

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agrees to provide to the County as services required by the County to be purchased from the District pursuant to Section 8 of the Transition IGA.

6. Maricopa County agrees to restructure the payment terms for the second election to coincide with the working capital line of credit repayment described in Item 1, above. (\$443,000)
7. Maricopa County agrees to pay the District for the Mesa and Tempe "special medical" debts and the County will settle with those two cities (Estimated to be \$823,000), these debts are also known as the Mesa and Tempe city prisoner claims.
8. The County further agrees to fund and assist the District obtaining a performance bond required for the operation of the Acute Care Plan (MHP) and fund the AHCCCS equity requirements of October 1, 2005, in accordance with the remaining terms previously approved by the Board of Supervisors on their May 18, 2005 agenda (C4905032601) attached hereto. (Estimated to be approximately \$6.4 million.)

The above assistance package is conditioned on the District's approval, and notification to the County no later than June 1, 2005, at 4:00 p.m., of its intent to accept or reject the ALTCS and MHP health plans and provide any and all appropriate releases for any and all claims, known or unknown, associated with the operation of these health plans, exclusive of third party claims. In addition, the District will agree to, and acknowledge in a "Waiver and Release," that the County has undertaken environmental assessments, as required by the Transition IGA, and those additional environmental assessments as previously requested by the District, and the District will include a waiver of any and all claims, known or unknown, associated with any environmental or capital issues of the transferred assets pursuant to the Transition IGA, exclusive of third party claims.

After discussion with Paul Golab, County Counsel, Supervisor Stapley amended his motion to include, "and direct staff to further document the terms of the assistance package as contemplated in the proposal." The motion was seconded by Supervisor Wilcox and unanimously carried (4-0-1) on a roll call vote with Supervisors Stapley, Wilcox, Wilson and Kunasek voting "aye." Supervisor Brock was absent from this meeting.

**CHAIRMAN'S PERSONAL PRIVILEGE**

Chairman Wilson called for agenda item #10 to be heard at this time.

**LETTER TO ARIZONA BOARD OF REGENTS REGARDING TRANSFER OF THE SUNDOME**

Item: Approve the letter to the Arizona Board of Regents regarding the transfer of the Sundome as discussed in a Special Meeting on June 1, 2005. (ADM811-009)

Chairman Wilson reported the enthusiastic support of thousands of Sun City residents who attended the meeting for the transfer of the Sundome to Maricopa County and he read the letter from the County to the Arizona Board of Regents into the record, as follows:.

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Arizona Board of Regents  
2020 N. Central Ave. Suite 230  
Phoenix, AZ 85004-4593

Re: Transfer of the Sundome Center for the Performing Arts from Arizona State  
University to Maricopa County

Dear Regents:

The Board of Supervisors of Maricopa County has directed me to inform you that Maricopa County is willing to move forward with the acquisition of the Sundome Center for the Performing Arts. The County looks forward to developing a mutually acceptable agreement for the transfer.

Maricopa County looks forward to working with Arizona State University to keep this valuable community asset open and operating for years to come.

Sincerely,  
/s/ Kevin S. Costello  
Deputy County Attorney

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the letter to the Arizona Board of Regents regarding the transfer of the Sundome.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Wilson called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

Application filed by Fay Louise Stewart for a Temporary Extension of Premises/Patio Permit (ADM664-84):

Business Name:	Desert Rose Bar and Grill
Location:	18300 South Old US Hwy 80, Arlington 85322
Date:	June 11, 12, 18, 19, 25, 26, 2005 July 2, 3, 4, 9, 10, 16, 17, 23, 24, 2005 August 6, 7, 13, 14, 20, 21, 27, 28, 2005 September 3, 4, 10, 11, 17, 18, 24, 25, 2005

Motion carried by majority vote (4-0-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye." Supervisor Brock was absent.

**PUBLIC HEARING – BINGO LICENSE APPLICATIONS**

Chairman Wilson called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, pursuant to ARS §5-404.A, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the applications listed below.

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Application filed by General Federated Women's Club – Morristown, for a Bingo License Location Transfer (ADM657-019) (ADM657)

Location: 25950 W. Rockaway Hills Drive, Morristown  
Day/Time: Fridays, 7:00 pm to 9:00 pm

Application filed by Morris A. Proctor for a Bingo License Permit (ADM657-020):

Organization: American Legion, Daisy Mountain Post #128  
Location: 48606 N. 17<sup>th</sup> Avenue, New River, 85087  
Day/Time: 1<sup>st</sup> Fridays, 6:30 pm

Application filed by Robert L. Hackett for a Bingo License Permit (ADM657-021):

Organization: VFW Daisy Mountain Post #12301  
Location: 48606 N. 17<sup>th</sup> Avenue, New River, 85087  
Day/Time: 3<sup>rd</sup> Fridays, 6:30 pm

**PUBLIC HEARING – FIREWORKS DISPLAY**

Chairman Wilson called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an application filed by Randy Reyman for an original Fireworks Display Application (ADM665-45) (ADM665)

Organization: Anthem  
Location: 41130 N. Freedom Way, Anthem  
Date/Time: July 3, 2005, 9:00 p.m.

**PUBLIC HEARING – EASEMENT FOR SRP AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**

Chairman Wilson called for a public hearing to solicit public comments, and approve and execute an easement for Salt River Project (SRP) Agricultural Improvement and Power District that allows for electrical service to the McDowell Mountain Regional Park Visitor Center. (C3005025000) (ADM2013)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the easement.

**PUBLIC HEARING – EASEMENTS AND IGA WITH SRP AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**

Chairman Wilson called for a public hearing to solicit public comments, and approve and execute easements and an Intergovernmental Agreement (IGA) with Salt River Project (SRP) Agricultural Improvement and Power District for a new 12kV underground service in exchange for an enlarged utility easement that allows for electrical service to the McDowell Mountain Regional Park and Rio Verde Community. (C3005036200) (ADM2013)

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The SRP easement is required for power distribution to rebuild a 33-year old 69kV line to Rio Verde from Fountain Hills, and the new 12kV line along McDowell Mountain Park Drive. The new easement for the 690kV will be located along the eastern edge of the park and will be 30 feet wide to accommodate line blowout in high winds. The new easement for the 12kV line will be 10 feet wide.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley and unanimously carried (4-0-1) to approve the Easements and IGA with SRP.

**RESOLUTION FOR AIR POLLUTION CONTROL RULE 310 FOR ARIZONA SIP – CONTINUED**

Item: This is the time scheduled, as required by 40 CFR 51, to solicit comments on the Resolution to submit supplemental information on the implementation of Maricopa County Air Pollution Control Rule 310 consisting of the Application for Dust Control Permit and Guidance for Application for Dust Control Permit as a revision to (Arizona) State Implementation Plan (SIP) for PM-10. Following the public hearing, the Board is requested to approve the resolution and submit it as a revision to (Arizona) State Implementation Plan for PM-10. (C8505019000) (ADM2354) (ADM2351)

Supervisor Kunasek commented that he understood that the County Attorney's Office was reviewing this Guidance Document regarding the extent of the enforcement that it would carry. That opinion should be available within the next two weeks and Supervisor Kunasek recommended that the item be continued to accommodate this research.

Spencer Kamps from the Homebuilder's Association appeared before the Board to speak regarding Rule 310. Mr. Kamps said that it was also his understanding that this document might now become part of the State Implementation Plan (SIP), when the original understanding was that it would only be a guidance document. He indicated that if it was finally determined to be enforceable as part of the SIP that they would like to see some changes to the documents. In response to a question from Supervisor Stapley, Mr. Kamps stated that problems may arise if the EPA came to enforce the document. The EPA sometimes has a different standard of interpretation of the rules; this can lead to a "double" enforcement based on two different interpretations of the rule.

In light of the comments regarding continuing review, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this public hearing to June 22, 2005.

**REVISION TO AIR POLLUTION CONTROL REGULATION RULE 316 FOR ARIZONA SIP**

The Chairman announced this is the time scheduled, as required by A.R.S. §49-479(b), to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulation Rule 316 (Nonmetallic Mineral Processing) and on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt the proposed revisions to Maricopa County Air Pollution Control Regulations Rule 316 and submit the rule as a revision to the (Arizona) State Implementation Plan. (C8505020000) (ADM2354) (ADM2351)

**EXECUTIVE SUMMARY**

The revisions to Rule 316 to be adopted June 8, 2005 incorporate best available control measures (BACM) and most stringent measures (MSM) that are included in the revised PM<sub>10</sub> State Implementation Plan (SIP) - the Final Revised PM<sub>10</sub> State Implementation Plan For The Salt River Area dated August 2004. With the revisions to Rule 316, Rule 316 will require nonmetallic mineral processing plants,

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asphaltic concrete plants, concrete plants and/or bagging operations, and/or rock product plants to comply with process emission limitations (i.e., stack emissions limitations) and fugitive dust emission limitations (i.e., 20% opacity limit, 0% opacity limit at the property line, silt loading limit, silt content limit, and stabilization standards) and to implement process controls (i.e., enclosures, watering systems, operational overflow warning systems/devices, and fabric filter baghouses) and fugitive dust control measures (i.e., during a wind event, for open storage piles and material handling, haul/access roads, on-site traffic, off-site traffic, trackout, spillage, and night-time operations).

In order to provide opportunities for public involvement in the rulemaking process for Rule 316, the Maricopa County Air Quality Department conducted eight Public Workshops - July 2004 thru December 2004, received and reviewed comments and recommendations made during the Public Workshops and created the final draft of Rule 316, which was published in a Notice Of Proposed Rulemaking in the Arizona Administrative Register on February 4, 2005. In order to receive formal verbal and/or written comments regarding the final draft of Rule 316, the Maricopa County Air Quality Department conducted an oral proceeding on March 10, 2005.

After having reviewed the formal verbal and/or written comments made during the oral proceeding, the Maricopa County Air Quality Department is proposing to make revisions to the final draft of Rule 316 that was published in a Notice Of Proposed Rulemaking in the Arizona Administrative Register on February 4, 2005. Consequently, in addition to requesting that the Board adopt the revisions to Rule 316 described in the Notice Of Proposed Rulemaking, the Maricopa County Air Quality Department is requesting that the Board adopt additional revisions to the following sections of Rule 316, (full text on file in the Clerk of the Board's Office).

- Section 201 (Definition Of Affected Operation)
- Section 234 (Definition Of New Facility)
- Section 237 (Definition Of Open Areas And Vacant Lots)
- Section 250 (Definition Of Silo)
- Section 255 (Definition Of Storage Bin)
- Section 263 (Definition Of Urban And Suburban Area)
- Section 266 (Definition Of Wind-Blown Dust)
- Section 306.3(c)(2)(b) (Fugitive Dust Emission Limitations-Wind Event)
- Section 307 (Fugitive Dust Control Measures)
- Section 307.1(d) (Fugitive Dust Control Measures-Open Storage Piles And Material Handling)
- Section 307.3(a) (Fugitive Dust Control Measures-Haul/Access Roads)
- Section 307.4(d) (Fugitive Dust Control Measures-On-Site Traffic)
- Section 307.6(a) (Fugitive Dust Control Measures-Trackout)
- Section 307.6(b)(4) (Fugitive Dust Control Measures-Trackout)
- Section 307.6(e)(1) (Fugitive Dust Control Measures-Trackout):
- Section 401 (Administrative Requirements)

Rusty Bowers, Executive Director of the Arizona Rock Products Association appeared to address the Board regarding this issue. He thanked the Maricopa County staff for all of their efforts on the development of this rule. He indicated that this is a difficult issue given the fact that we live in a desert. There is dust here and it is an active environment with the summer dust storms. He appreciated the opportunity afforded to members of the industry to be involved in the rule-development process. He stated that he is hopeful that the monitors will show that the modeling is correct. Mr. Bowers stated that he was optimistic that the flexible language (referring to alternate methods of reaching the same goal) inserted into this rule would be acceptable to the EPA.



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In summary, Mr. Bowers made four points regarding the possible adoption of this Rule:

- 1) He was thankful for the flexible language regarding the fact that if the methodology was technically or practically infeasible that alternate methods may be used to reach the same goal,
- 2) He referenced the adoption of a similar Rule in California which was being challenged. Because of the challenge, Maricopa County is unable to reference the case as justification for certain language in our Rule, and the ramifications to this Rule if the California challenge is successful.
- 3) The compliance schedule is very demanding and the timeframes are compressed. The plans submitted must be reviewed very quickly so that the inspectors in the field will have the final plan to use in the inspection schedule.
- 4) As a "guidance document" is developed for this Rule, the same concerns as the previous item will surface regarding the "weight" and enforcement nature of that document.

Supervisor Stapley stated that this is a new era for air quality. He indicated that the County needs to continually stress to the EPA the differing conditions in a desert environment. Supervisor Wilcox commented on the effect this Rule may have on the County's HURF funding.

Following the public hearing, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve all of the above described revisions to Rule 316, and submit the rule as a revision to the (Arizona) State Implementation Plan.

#### **FUNDS TRANSFER FOR TECHNICAL EQUIPMENT**

Pursuant to A.R.S. §42-17106 (b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer of \$125,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) for New Facility Start-up to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Clerk of the Court: NE Facility". Approval of this action will allow the Clerk of the Superior Court to purchase and install technical infrastructure equipment at the new Northeast Regional Court Facility. (C1605008800) (ADM1000-003)

#### **GRANT FROM ACJC FOR GANG PROSECUTION PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the receipt of additional grant funding from the Arizona Criminal Justice Commission (ACJC) for the FY 2004-05 Gang Prosecution Program in the amount of \$14,355.00. The use of the additional funds will be dedicated toward the prosecution of gang cases. The Board of Supervisors has previously approved grant funding in the amount of \$302,083.00. These additional grant funds are for the period of July 1, 2004 through June 30, 2005. The additional grant funds may not be expended for any indirect costs, which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16%. The non-recoverable indirect cost of administering these additional funds is \$2,296.80.

The vote also approved revenue and expenditure appropriation adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant by \$14,355.00 for FY 2004-05. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1905014302)

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**ISA WITH PIMA COUNTY FOR HIGH INTENSITY DRUG TRAFFICKING AREA GRANT FUNDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an Intergovernmental Service Agreement (ISA) between the Pima County Sheriff's Department and the Maricopa County Attorney's Office accepting \$83,519.00 in High Intensity Drug Trafficking Area Grant Funds from the Pima County Sheriff's Department. This agreement will commence October 1, 2004, and end September 30, 2006. Acceptance of this agreement will allow the Maricopa County Attorney's Office to support and enhance activities intended to deter, investigate and/or prosecute drug offenders. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$13,363.04. By approving this agenda item, the Board of Supervisors will be authorizing the acceptance of grant funding that is budgeted and no budget amendment is necessary. (C1905036300)

**ACCEPT OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER THE INFLUENCE ABATEMENT GRANT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve receipt of grant funds from the Oversight Council on Driving or Operating Under the Influence Abatement in the amount of \$33,280.00. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the prosecution, prevention, and abatement of driving or operating under the influence occurrences. This grant agreement commences on May 1, 2005, and will terminate on April 30, 2006. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16%. The non-recoverable indirect cost of administering this grant is \$5,324.80.

The vote also approved revenue and expenditure appropriation adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$24,350.00 for FY 2004-05 and \$8,930 for FY 2005-06, the latter of which will be authorized after the FY 2005-06 budget is adopted. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1905037300)

**TRANSFER FUNDS FOR INCREASED ELECTION COSTS**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer and expenditure of not-to-exceed \$2,600,000 from FY 2004-05 General Government (470) General Fund (100) Contingency (4711) to the Elections Department FY 2004-05 General Fund budget. This adjustment is needed due to increased election costs associated with the November 2004 General Election. (C2105008800) (ADM1700-003)

**AMENDMENT WITH TOWN OF CAREFREE FOR LUMP SUM PAYMENTS FOR VEHICLE REPLACEMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 1 to the Intergovernmental Agreement (IGA) for Law Enforcement Services between the Town of Carefree and the Maricopa County Sheriff's Office to allow for lump sum

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payments in amounts not-to-exceed \$33,000 each, to fund the replacement of two patrol vehicles, one in FY 2004-05 and one in FY 2005-06. These vehicles are on the equipment replacement schedule and are the property of Maricopa County. Lump sum funding by the Town of Carefree exempts it from paying vehicle depreciation expense as part of the annual reimbursement costs for Sheriff's Office Law Enforcement Services. The vehicles will display Town of Carefree insignia in addition to Sheriff's Office markings. These lump sum payments are in addition to the annual amount contracted for law enforcement services. This amendment also changes the notification date for the next year's charges from April 1 of each year to February 15. The term of the current agreement is July 1, 2004, and ends June 30, 2007. This amendment is effective upon approval of both parties. (C5005005201)

**DONATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the acceptance of a horse, "Smokey Joe," donated to the Sheriff's Office Mounted Unit from Mrs. Pamela Meyer, valued at \$8,000. This horse has an ideal temperament for use in a variety of Sheriff's Office Mounted Unit situations including search and rescue, crowd control, et cetera. The estimated annual cost for normal feeding of this horse is \$2,500. Care and maintenance of Sheriff's Office Mounted Unit horses and mules is currently covered in the intergovernmental agreement with the US Forest Service. (C5005063M00) (ADM3916)

**AGREEMENT WITH FORT MCDOWELL YAVAPAI NATION FOR LAW ENFORCEMENT SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an agreement between the Maricopa County Sheriff's Office and the Fort McDowell Yavapai Nation to provide mutual protection and assistance in the field of law enforcement upon request, and recognizing that this agreement does not constitute a waiver of state or tribal sovereignty. This is a non-financial agreement. (C5005066200)

**OPERATING PLAN WITH U.S. DEPARTMENT OF AGRICULTURE FOR OVERTIME REIMBURSEMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the operating plan with the United States Department of Agriculture, Forest Service Tonto National Forest, whereby the Sheriff's Office will accept up to \$98,000 in reimbursement funding. This funding is for operating costs associated with providing law enforcement to the area of Maricopa County, within the boundaries of the Tonto National Forest, and reimbursement of overtime for deputies working enforcement situations relating to fire emergencies. The reimbursement period is October 1, 2004 through September 30, 2005. (C5005078200)

**IGA WITH TOWN OF GILA BEND FOR LAW ENFORCEMENT SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Intergovernmental Agreement (IGA) for Law Enforcement Services between the Town of Gila Bend and Maricopa County so the Sheriff's Office can provide law enforcement services at the level of .55 beats to the town. The FY 2005-06 costs for these services is \$283,454, payable in twelve monthly installments. The term of this agreement is July 1, 2005 through June 30, 2006. This agreement supersedes the current agreement (C5005041200). (C5005079200)

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**AGREEMENT WITH U.S. DEPARTMENT OF AGRICULTURE FOR ENFORCEMENT ON NATIONAL FOREST LAND**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Cooperative Law Enforcement Agreement between the Maricopa County Sheriff's Office (MCSO) and United States Department of Agriculture, Forest Service Southwestern Region Law Enforcement and Investigations, and Tonto National Forest. This agreement gives the MCSO authority to enforce the state and local laws on the national forest system lands located within Maricopa County. The term of this agreement is from the date of execution through September 30, 2010. (C5005080200)

**TRANSFER FUNDS FOR EXPENSES**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer of expenditure authority in an amount not-to-exceed \$1,500,000 from General Government (470) Detention Fund (255) Contingency (4711) "Detention Fund Operating" to the Sheriff's Office (500) General Fund (255) at the end of FY 2004-05. The transfer will only be used if, at fiscal year end, the Sheriff's Office is unable to cover Detention Fund expenditures within its current appropriation because of the large amount of general supplies incurred in FY 2004-05 in association with inmate food costs.

Pursuant A.R.S. §42-17106, this vote also approved the transfer of expenditure authority from FY 2004-05 contingency funds in the amount of \$150,000 from General Government (470) Detention Fund (255) Reserved Items (4711) for "Sheriff Overtime" to the Sheriff's Office (500) Detention Fund (255). (C5005081800) (ADM3900-003)

**TEMPORARY ADDITION TO FLEET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a one-time addition to the fleet of two 2006 full size 4-wheel drive sport utility vehicles, which will cost approximately \$110,000. After the specific vehicles are identified and purchased, an agenda item will be submitted requesting unmarked status for the vehicles in accordance with A.R.S. §38-538.03. On March 23, 2005, the Board of Supervisors approved an intergovernmental agreement between the City of Phoenix and the Maricopa County Sheriff's Office (MCSO) for funding from the 2004 Urban Area Security Initiative which included the purchase of these two vehicles. These vehicles will be equipped with special response equipment including emergency lights and sirens. The estimated annual operating costs will be approximately \$3,500 each or \$7,000. These costs will be covered in the Sheriff's Office Special Enforcement budget (5051). No vehicle replacement costs are associated with these one-time additions to fleet because they will be automatically removed from the MCSO fleet when they are no longer useful. (C5005536301) (ADM3104V)

**ACCEPT GRANT FUNDS FROM ARIZONA ATTORNEY GENERAL'S OFFICE FOR STAFF POSITIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the acceptance of \$130,500 in grant funds from the Arizona Attorney General's Office, Victim's Rights Program. This funding provides for three administrative assistant positions, one administrative coordinator position and operating expenses. The Sheriff's Office is mandated by A.R.S. Title 13, Chapter 40 and A.R.S. Title 8, Chapter 3 to provide victim notification. The term of this funding is July 1, 2005 through June 30, 2006. The Sheriff's Office indirect cost rate for FY 2004-05 is 14%. Unrecoverable indirect costs associated with this grant are estimated at \$18,270. (C5005552300)

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**GRANT AGREEMENT FROM ARIZONA AUTOMOBILE THEFT AUTHORITY FOR “WATCH YOUR CAR” PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a grant agreement and acceptance of \$6,290.00 in funding from the Arizona Automobile Theft Authority, Public Awareness Grant Program, for continuation of the “Watch Your Car” Program. This award will be used to fund overtime costs of deputies working the program. The term of this agreement is from July 1, 2005 through June 30, 2006. The Sheriff’s Office indirect cost rate for FY 2004-05 is 14%. Unrecoverable indirect costs associated with this grant are estimated to be \$880.60. (C5005553300)

**GRANT AGREEMENT FROM ARIZONA AUTOMOBILE THEFT AUTHORITY FOR BAIT VEHICLE PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a grant agreement and acceptance of \$16,700 in funding from the Arizona Automobile Theft Authority, Law Enforcement Program, for continuation of the Bait Vehicle Program. This award will be used to fund overtime for deputies and operating costs to support the Bait Vehicle Program that is designed to target, suppress, and investigate vehicle theft within Maricopa County. The term of this agreement is July 1, 2005 through June 30, 2006. The Sheriff’s Office indirect cost rate for FY 2004-05 is 14%. Unrecoverable indirect costs associated with this grant are estimated to be \$2,338. (C5005554300)

**MODIFICATIONS WITH U.S. MARSHALS SERVICE FOR INMATE PER DIEM AND MEALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Modification Nos. 14, 15, and 16 to the Intergovernmental Agreement (IGA) between Maricopa County and the U.S. Marshals Service (federal government) as follows:

- **Item No. 14** – Allows for the housing of a certain designated group of inmates (Code 9GR) at the Maricopa County Jail, whereby the U.S. Marshals Service shall pay the local government of Maricopa County a per diem rate of \$84.93 for these inmates, effective August 1, 2003, and shall remain in effect for a period of 18 months, or until completion of all court proceedings concerning these inmates. (Modification No. 14 dated August 1, 2003; IGA No. 08-03-0055 previously IGA No. J-E08-M-129)
- **Item No. 15** – Replaces language in Article IX, Paragraph 2, referencing a specific number of meals be provided per day to U.S. Marshals Service prisoners, with language that meals provided must meet the nationally recommended dietary allowances published by the National Academy of Science. (Modification No. 15 dated August 17, 2004; IGA No. 08-03-0055 previously IGA No. J-E08-M-129).
- **Item No. 16** – Adds Lower Buckeye Jail and 4th Avenue Jail to the list of jails whereby the Sheriff’s Office can retain \$1.00 of the U.S. Marshals Service federal per diem (\$70.00) per day for each federal inmate in Sheriff’s custody for enhancement of overall meal quality, pursuant to A.R.S. §31-121. (C5099070201)

**EXEMPT FROM MARKING AND ISSUANCE OF NON-GOVERNMENTAL PLATES**

Pursuant to A.R.S. §38-538.03, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the exemption from marking including Maricopa

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County seals and government plates from vehicle 21526. This vehicle is used by Adult Probation officers on a full time basis for the supervision of convicted felons who reside in the community. It is assigned to the Adult Intensive Probation program. Surveillance of offenders is best accomplished by the use of unmarked vehicles. Surveillance is more successful when it is undercover and not easily noticed by the officer, family and friends. It is also safer for probation officers and the community when the officers and their vehicles are not easy to identify. (C1105005M00) (ADM3104V)

**REWARDING IDEAS PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize employee awards from the Rewarding Ideas Program in the amount of \$2,500, and to schedule the presentation of awards for June 22, 2005. (C2005017900) (ADM3333-002)

**FUNDS TRANSFER FOR IMPROVEMENT PROCESSES AND AWARD PROGRAMS**

Pursuant to A.R.S. §42-17106 and as an amendment to agenda item C2005007800, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an increase in contingency funds in the amount of \$18,490 from FY 2004-05 General Government (470) General Fund (100) Contingency (4711) to an existing line item in General Fund Consultants (4724) entitled "Carla Carter & Associates." These funds will be used for consultant services to further assist Maricopa County in its process improvement plan and pursuit of performance excellence. (ADM1600-003)

The vote also approved the transfer of \$9,750 from FY 2004-05 General Government (470) General Fund (100) Contingency (4711) to a new line item in General Government – Other Programs entitled "Showcase and Governor's Awards" (100-470-4712), for the purpose of covering the costs associated with the submission of nine Showcase and one Governor's Awards by various county general funded departments. (C2005019100)

**DONATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the acceptance of a donation from private attorney Peter Van Baalen, Esq. of Phoenix, Arizona, to Correctional Health Services for library books, legal resources and furniture in the amount of \$28,775. The donated materials will be stored in the training room of Correctional Health Services. (C2605013000) (ADM2131)

**MMCS PROVIDER PANEL APPOINTMENTS/REAPPOINTMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the recommendations of Maricopa Managed Care Systems (MMCS) Health Plan Provider Panel appointments and reappointments as discussed in Executive Session on June 6, 2005. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (C9004171M) (ADM2100-005)

**Initial Appointments:**

<b>Provider</b>	<b>Specialty</b>
Rosemary Fadool, DO	Obstetrics / Gynecology
Anthony Eli Sandoval, MD	Internal Medicine – Cardiovascular Disease
Joy H. Schaffer, MD	Pediatrics
Judith Welleck, LCSW	Social Worker

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**Reappointments:**

<b>Provider</b>	<b>Specialty</b>
Bahar F. Ati-Abadi, DDS	Dentistry
John V. Battersby, DO	Family Practice
Jodi J. Heacock, DDS	Dentistry
Marc A. Kates, DO	Internal Medicine – Cardiovascular Disease
Mandana Kheshtchin, DDS	Dentistry
Patricia L. Lehew, DC	Chiropractic
Agnes Oblas, RN, MSN	Nurse Practitioner
Traci L. Paige, DO	Family Practice
Angela J. Relf, DMD	Dentistry
Adel Shayegan, DMD	Dentistry
Luz D. Tobias, DDS	Dentistry

**Provisional Credentialing:**

<b>Provider</b>	<b>Specialty</b>	<b>Reviewed</b>	<b>Comments</b>
Will Innocent, MD	Family Practice	Reviewed by Dr. Mehrdad Shafa on May 10, 2005	180 Days

**CONTRACT WITH PREHAB OF ARIZONA FOR RESIDENTIAL TREATMENT CENTER SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to retroactively approve a contract with Prehab of Arizona for Behavioral Health Level I Residential Treatment Center Services, effective January 1, 2005 through August 31, 2009. The proposed not-to-exceed amount is a percentage of the Level I Residential Treatment Center pool amount of \$1,486,280 (C60040871). The contract may be in effect for up to a total term of five years and may be terminated with 90 days written notice by either party. Maricopa County may, upon 90 days prior written notice and without the consent of the other party, assign this contract. (C6005003100)

**CONTRACT WITH INNOVATIVE HOME HEALTH FOR SKILLED HOME HEALTH CARE SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to retroactively approve a new contract with Innovative Home Health for the provision of skilled home health care services. The not-to-exceed pool amount for all skilled home health care contracts is \$12,448,000 (C60034641). The contract term is June 1, 2005 through May 31, 2007. The contract may be extended for a total term up to five years and may be terminated with 90 days written notice by either party. (C6005006100)

**CONTRACT WITH TRIMBLE AND ASSOCIATES, LLC, BEHAVIORAL HEALTH HOMES, INC. FOR INTERMEDIATE LEVEL BEHAVIORAL HEALTH GROUP HOME SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to retroactively approve a new contract with Trimble and Associates, LLC, Behavioral Health Homes, Inc., for Intermediate Level Behavioral Health Group Home Services from January 1, 2005 through November 30, 2005. This contract is for an amount not-to-exceed a percent of the approved Level II Behavioral Health pool, which is currently \$18,301,318 and was approved by the Board of Supervisors on September 24, 2003. The contract may be extended for a total term of five years, may be terminated by either party with 90 days written notice, and MMCS may, upon 90 days prior written notice and without the consent of the other party, assign this contract. (C6005704100)

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**PERSONNEL AGENDAS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

**AMENDMENT WITH CLINICA ADELANTE, INC. FOR WELL WOMEN HEALTH CHECK SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 1 to Contract C86050921 with Clinica Adelante, Inc., for the provision of well women health check services to uninsured or underinsured women. This amendment will increase the contract by \$7,000 to an amount not-to-exceed \$18,000 for budget term July 1, 2004 through June 30, 2005. It also replaces the Section IV Compensation page with Attachment A. All other terms and conditions remain the same. Clinica Adelante was a successful respondent to a Review of Qualifications (MC1-348.D3) issued by the Maricopa County Department of Public Health on October 9, 2000. The Board of Supervisors approved the original contract C86010521 on February 7, 2001, and subsequently approved renewals on February 20, 2002 (C86020611), March 5, 2003 (C86030721), and December 30, 2003 (C86040821). (C8605092101)

**DONATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to retroactively approve acceptance of donations to the Family Planning Program at the Department of Public Health from clients receiving family planning and reproductive health services in the amount of \$15,291, for the months of February 2005, March 2005 and April 2005, and expenditures of same. This amount is included in the Special Revenue Budget (Fund 265) for FY 2004-05, therefore no expenditure or revenue adjustment is needed. Donations are not local revenues for the purpose of the constitutional expenditure limitation, therefore expenditures of these revenues are not prohibited by the budget law. (C8605901M01) (ADM2150)

**CONTRACT WITH HOOK & ASSOCIATES, LLC FOR EPIDEMIOLOGICAL AND HIV PHYSICIAN SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to retroactively approve a contract with Hook & Associates, LLC, in order to provide professional epidemiological and HIV physician services. The initial contract term is for one year beginning April 1, 2005 through March 31, 2006, with the option of renewing for three additional one-year terms. Estimated expenditure amount is \$150,000 per year. (C8605911100)

**FUNDS TRANSFER FOR BIODEFENSE PREPAREDNESS AND RESPONSE**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and authorize these transfers to cover costs which are no longer funded by the BioDefense Preparedness and Response (BDPR) grant: (ADM3200-003)

- \$226,930 from General Government (470) General Fund (100) General Contingency (4711) to Medical Examiner (290) General Fund (100) for an amount of \$226,930 to cover personnel costs.



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- \$54,229 from General Government (470) General Fund (100) General Contingency (4711) to Environmental Services (880) General Fund (100) to cover personnel and supply costs.
- \$22,473 from General Government (470) Detention Fund (255) General Contingency (4711) to Correctional Health Services (260) Detention Fund (255) to cover personnel costs.

This action also approves appropriation expenditure adjustments increasing the Medical Examiner General Fund budget by \$226,930, Environmental Services General Fund budget by \$54,229 and reducing the General Government General Fund budget by \$281,159 for a countywide net impact of zero. Approval of this action will also require appropriation expenditure adjustments increasing the Correctional Health Detention Fund budget and reducing the General Government Detention Fund budget by \$22,473 for a countywide net impact of zero. (C8605912800) (ADM2170-003) (ADM2350-003) (ADM2131-003)

**AMENDMENT LEASE WITH DOCTOR HENRY BOCK FOR WIC FACILITY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and execute Amendment No. 5 to Lease No. L-7142 with Doctor Henry Bock, lessor, for the continued use of a 2,976 square foot north central Women and Infant Care (WIC) facility located at 9100 N. Central Avenue, Phoenix, Arizona. The term will extend five years, commencing October 1, 2005 to September 30, 2010. The amended annual rental will be \$41,736.00 plus 2.4% rental tax (at \$14.02 per square foot). This lease contains a 90-day cancellation clause. (C8698013405)

**AMENDMENT WITH EAST VALLEY INSTITUTE OF TECHNOLOGY FOR HEAD START FACILITIES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 4 to the non-financial Intergovernmental Agreement (IGA) with the East Valley Institute of Technology to provide the Maricopa County Human Services Department with Head Start classroom facilities and playground at 1601 W. Main Street, Mesa, Arizona. This amendment is necessary to extend the IGA for 12 months and clarify the number of days and hours the Head Start program will operate. This amendment is effective July 1, 2005 through June 30, 2006. (C2202064204)

**AMENDMENTS WITH DEPARTMENT OF JUVENILE CORRECTIONS FOR EARLY HEAD START PROGRAM**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 3 to the non-financial Intergovernmental Agreements between the Arizona Department of Juvenile Corrections, on behalf of the following facilities, and Maricopa County Human Services Department regarding roles and responsibilities related to the facilities and the home-base program for select male youth. The Maricopa County Early Head Start Program will provide comprehensive services with the focus on the eligible fathers as a primary factor in the child's development. The facilities will provide space for socialization and security for Early Head Start staff and other participants. The term of the amendments is extended from July 1, 2005 to June 30, 2006.

- a. Black Canyon Facility (C2202131203)
- b. Adobe Mountain Facility (C2203112003)

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**RENEW LEASE WITH BOYS AND GIRLS CLUB OF THE EAST VALLEY FOR HEAD START CLASSROOM**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute the renewal option for Lease No. L-7200 with the Boys and Girls Club of the East Valley, Inc., lessor, for the continued use of a 1,000 square foot Head Start classroom at 221 W. 6th Avenue, Mesa, Arizona. This option will extend the term of the existing lease through June 30, 2006. The annual rental cost will remain at the current rate of \$6,000. This lease contains a 90-day cancellation clause and does not include any county general funds. (C2203025403)

**AMENDMENTS FOR COMMUNITY AND EMERGENCY SERVICES**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 1, a one-year renewal to the Intergovernmental Agreements (IGAs), for the delivery of various community and emergency services for low-income Maricopa County residents. Programs and services will be targeted to meet the goals of securing and maintaining employment; securing adequate education; better income management; securing adequate housing; providing emergency services; improving nutrition; creating linkages among anti-poverty programs; and achieving self-sufficiency. The term of the IGA renewals will be July 1, 2005 to June 30, 2006. Approval is contingent upon the final approval of the county's FY 2005-06 budget and the receipt of a fully executed agreement with the Arizona Department of Economic Security. There is no long-term commitment on the part of Maricopa County to continue this program beyond the term of the amendment. Service levels are contingent upon the availability of funding.

- a. **City of Avondale** – The one-year contract amount is not-to-exceed the amount of \$108,590. Funding is provided by the Arizona Department of Economic Security (\$72,459) and Maricopa County (\$36,131). (C2205033201)
- b. **Town of Buckeye** – The one-year contract amount is not-to-exceed the amount of \$94,105. Funding is provided by the Arizona Department of Economic Security (\$62,793) and Maricopa County (\$31,312). (C2205034201)
- c. **City of Tolleson** – The one-year contract amount is not-to-exceed the amount of \$84,132. Funding is provided by the Arizona Department of Economic Security (\$56,141) and Maricopa County (\$27,991). (C2205039201)

**LEASE WITH CITY OF CHANDLER FOR HEAD START CLASSROOM**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Lease Agreement No. C-6552 with the City of Chandler, lessor, for the continued use of a Head Start classroom located at 130 N. Hamilton Street, Chandler, Arizona. This lease will extend the full service lease from July 1, 2005 through June 30, 2008, at \$3,600 payable in quarterly amounts of \$900. This lease has an automatic option to extend the lease for one successive two-year term at the rental rate of \$3,750 per year through June 30, 2010. The lease contains a 90-day cancellation clause. (C2206098400)

**AMENDMENT WITH FIRST PRESBYTERIAN CHURCH FOR HEAD START CLASSROOM**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 5 to Lease L-7271, to exercise the fifth renewal option, for continued use

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of rooms F and G, which contain approximately 800 square feet of the Jackson Building at the First Presbyterian Church, located at 161 N. Mesa Drive, Mesa, Arizona, for a Maricopa County Head Start classroom. This option will extend the term of the lease three years from August 1, 2005 through July 31, 2008, at the annual cost of \$6,897 as the county's share of the operating expenses. This lease contains a 60-day termination clause. There will be no expenditure of any county general funds. (C2299134405)

**CORRECT FUNDS TRANSFER ACTION**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to correct Item No. 2 of the action requested on Agenda Item C3005040800, which was approved on May 4, 2005, to the following: approve a fund transfer in the amount of \$1,000,000 from Appropriated Fund Balance, Reserved Items Fund (100) Dept (480) Org (4811), to the General Fund County Improvements Fund (445) General Government Department (470) Org (4713) Function Class (MRTS). This action will require appropriation adjustments increasing the revenue and expenditure budgets of General Government (Department 470) Capital Improvement Fund (Fund 445) by \$1,000,000, with offsetting revenue and expenditure adjustments to Eliminations (Dept 980, Fund 900). These actions will have a countywide net impact of zero. (C3005040801)

**IGA WITH FLOOD CONTROL DISTRICT FOR EL RIO EDUCATIONAL RESEARCH AND DEVELOPMENT PROJECT**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD 2005A004, between the Flood Control District of Maricopa County and the Maricopa County Parks and Recreation Department for roles and responsibilities for the El Rio Educational Research and Development Project. (C3005042200)

**RESTRICTED DONATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the acceptance of a restricted donation from Friends of Animal Care & Control, a 501(c) 3 in Phoenix, Arizona, to Animal Care & Control in the amount of \$150,000. The restricted funds are designated for the following: \$10,000 for the volunteer portion of the Animal Welfare and Safety Net Division; \$32,000 for Spay Days; \$20,000 for low-income spay/neuter subsidy; \$10,000 for Animal Care Contingency Fund; \$2,500 for Employee Appreciation Fund; \$71,500 for a new staff Veterinarian for the Animal Welfare and Safety Net Division; and \$4,000 for an Americor volunteer. The revenue from the donated funds will be deposited into Animal Control Grant Fund (573) as they are received by the department. (C7905092700) (ADM2300)

**DONATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the acceptance of a donation from the WAL-MART Foundation on behalf of WAL-MART Store #5330, 6145 N. 35th Avenue, Phoenix, Arizona 85017, to Animal Care & Control in the amount of \$800. Donation revenue funds are deposited into Fund 573 as they are received. (C7905093000) (ADM2300)

**FUND TRANSFERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including

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payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**FUNDS TRANSFER AND BUDGETED REVENUE INCREASE FOR HOMELESS SERVICES CAMPUS**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the expenditure appropriation adjustments to reduce the Intergovernmental Capital Projects Fund (422) budget by \$14,099,995 and increase the County Improvements Fund (435) budget in the same amount to accommodate the transfer of the Human Services Campus (Function Class HHSC) from Fund (422) to Fund (435). The net effect of the transfer is \$0.

The vote also authorizes an operating transfer out from the County Improvement Fund (435) and an operating transfer into the Lease Revenue Debt Service Fund (320) in the amount of \$1,296,211. The transfer will be used for future debt service payments on the \$15,000,000 Lease Trust Certificate, Series 2004, for the Homeless Services Campus. (F23148)

Also authorized is an increase to the budgeted revenue for the County Improvements Fund (435) in the amount of \$15,000,000 for the receipt of revenue from the construction drawdown line of credit issued by the Public Finance Corporation for the Homeless Services Campus. (F23148)

Also authorized is an increase to the budgeted revenue for the Lease Revenue Debt Service Fund (320) in the amount of \$1,500,000 that will allow for the receipt of the donations collected for the future payments on the debt service payments applicable to the \$15,000,000 Lease Trust Certificate, Series 2004, for the Human Services Campus. (C1805032800) (ADM1800-003) (ADM2519) (F23148)

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award of Solicitation Serials**

- |                |   |
|----------------|---|
| <b>04239-C</b> | <b>Traffic Striping Paint</b> (\$3,000,000 estimate/three years with one three-year renewal option). Price agreement to purchase traffic striping paint for maintenance of county roads, streets and highways. <ul style="list-style-type: none"><li>○ TMT-Pathway, LLC</li></ul>   |
| <b>05011-C</b> | <b>Kitchen Equipment Maintenance Repair Parts and Supplies</b> (\$1,600,000 estimate/six years). Pricing agreement for kitchen equipment repair parts, supplies and labor for a variety of equipment at the Maricopa County jail kitchens. <ul style="list-style-type: none"><li>○ Arizona Bakery Sales &amp; Service</li><li>○ Heritage Food Service Equipment</li></ul> |

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- 05022-S      Aerial Insecticide Spraying** (\$2,500,000 estimate/five years). Price agreement to provide aerial insecticide spraying services throughout Maricopa County.
- Clarke Mosquito Control
  - Howe Enterprises, LLC
  - Vector Disease Control, Inc.
- 05027-S      Glass Replacement, Maintenance and Repair** (\$1,000,000 estimate/five years). Price agreement for glass replacement, maintenance and repair for county facilities.
- Bunker's Glass
- 05034-S      Tree Maintenance, Trimming, Pruning, Removal, and Replacement Service** (\$600,000 estimate/five years). Price agreement for tree care and maintenance.
- Turner Tree Management
  - Vista Verde

**Contract Renewals**

**The extension of the following contract** (extensions are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed):

**Until June 30, 2006**

- 01012-RFP      Outside Audit, Accounting and Consulting Services** (\$4,200,000 estimate/one year). Price agreement renewal for outside audit, accounting and consulting services for the Healthcare Mandates Department.
- Clifton Gunderson, LLP
  - Deloitte Consulting, LLP
  - EP & P Consulting
  - Ralph Andersen & Associates
  - Mercer Human Resources Consulting

**Increase in the price agreement amount for the following contracts.** This request is due to an increased usage by county departments.

- 01028-SC      Construction Equipment Rental with Operator** (\$1,000,000 increase). Increase price agreement value from \$1,825,000 to \$2,825,000. This \$1,000,000 increase is being requested by both the Department of Transportation (\$400,000) and Flood Control District (\$600,000) to cover unexpected projects. This agreement was renewed by the Board on April 21, 2004, and subsequently increased on January 5, 2005. The agreement expiration date is June 30, 2006.
- 02084-C      Asphaltic Concrete Mix** (\$2,500,000 increase). Increase price agreement value from \$1,050,000 to \$3,550,000. This \$2,500,000 increase is being requested by the Department of Transportation to purchase materials for continued maintenance of county roadways. This agreement was renewed by the Board on July 7, 2004, and has an expiration date of September 30, 2007.

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- 03038-C      Above Ground Fuel Tanks** (\$600,000 increase). Increase price agreement value from \$565,201 to \$1,165,201. This \$600,000 increase is being requested by the Equipment Services Department to purchase fuel through the term of this agreement. Increased fuel costs and sales to other political subdivisions have been factored into this request. This contract was initially approved by the Board on September 24, 2003, and has had numerous contract value increases. This agreement expires on September 30, 2005.
- 03138-ROQ      Speech Therapist – MCSSO** (\$350,000 increase). Increase price agreement value from \$40,000 to \$390,000. This \$350,000 increase is requested by the Maricopa County Superintendent of Schools to compensate for an initial underestimation in initial contract value, and as a result of an increase in small school attendance, due to record homebuilding in formally rural areas. Due to the difficulty in identifying providers, preparing a new solicitation provides no advantage to the county. The contract awardees are Janice Hoiby, Jana L. Blewett M.S., Heather Stempien and Therapy Services, Inc. This contract was initially awarded by the Materials Management Director on October 2, 2003, and has an expiration date of October 31, 2006.
- 04073-C      Liquid Insecticides** (\$146,000 increase). Increase price agreement value from \$200,000 to \$346,000. This \$146,000 increase is requested by Environmental Services for the purchase of products to be used in the county's West Nile Virus control program. This agreement was initially awarded by the Board on July 7, 2004, and has an expiration date of July 31, 2007.
- 04133-RFP      Management Consulting Services For CHS** (\$850,000 increase). Increase price agreement value from \$500,000 to \$1,350,000. This \$850,000 increase is requested by Health Care Mandates to facilitate the move to the new jails. This agreement was initially awarded by the Board on November 17, 2004, and has an expiration date of November 30, 2005.

**CAPA Approval**

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

**Correctional Health**

Sharon Bushouse  
Tracy Carlson

**Environmental Services**

Marcellina Martinez

**Equipment Services**

Armondo Arroyo  
Gary Meyers  
Gary Sharkey

**Facilities Management**

Bruce Evans

**Managed Care**

Nichole Santiago

**Office of Legal Advocate**

Christie Froehling  
Vanessa Brimner-Karlson

**Telecommunications**

Deborah Ondovcik

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**AGREEMENT FOR RELEASE OF CLAIMS BY DRAKE EQUIPMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the settlement agreement for full release of all claims for property damage caused by Drake Equipment and their driver, in exchange for payment of \$25,108.90. The settlement agreement arises out of Risk Management Claim Number, APD 6431027971. (C7505019100)

**AMENDMENT WITH CITY OF SCOTTSDALE FOR ADDED SITE TO RADIO SYSTEM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an amendment to the intergovernmental agreement between Maricopa County and the City of Scottsdale, dated December 6, 2000. The amendment will allow Scottsdale to add a 15th site to the county-owned radio system, at the city's expense. The Maricopa County Wireless Division agrees with the city that the proposed 15th site is a reasonable and justifiable expansion of the county-owned SmartZone system. (C7601002201)

**GRANT FROM ADEM FOR ALL HAZARDS WEATHER ALERT RADIOS PURCHASE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and accept \$44,104.96 in 2003 Urban Security Initiative Grant Program II (UASI) from the Arizona Division of Emergency Management (ADEM). This is a reimbursement grant used to purchase All Hazards Weather Alert Radios for the public schools within Maricopa County. The Department of Emergency Management's indirect cost rate is 11.53% for FY 2004-05 which totals \$5,085.31. The grant allows a maximum indirect cost recovery of 3%. However, the department is requesting a waiver of indirect costs as the purpose of the grant is to provide school administrators with radios for emergencies. The waived indirect costs will be fully absorbed in the Department of Emergency Management budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The grant award period is July 1, 2003 through June 30, 2005. The grantor will provide reimbursement funding once the radios have been purchased. (C1505011000)

**CHANGE ORDER WITH MCCARTHY BUILDING COMPANIES FOR 4TH AVENUE JAIL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Change Order No. 33 as a full and final change order for McCarthy Building Companies for construction of the 4th Avenue Jail. The total cost of this change order is \$39,276 and adds 102 days to the length of the contract. (C7004082504)

**CHANGE ORDER WITH LAYTON CONSTRUCTION COMPANY OF ARIZONA FOR SOUTHEAST JUVENILE DETENTION FACILITY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Change Order No. 2 to contract with Layton Construction Company of Arizona for construction of the Southeast Juvenile Detention Facility (Building #2856) Improvements Project #2856-05-008, located at 1810 S. Lewis Street, Mesa, in an amount of \$534,342. Change Order No. 2 will allow for the replacement of the existing air handler units. (C7005016501)

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**TRANSFER FUNDS FOR UTILITIES**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the expenditure appropriation adjustment to reduce General Government General Fund General Contingency (100-470-4711) in the amount of not-to-exceed \$4,500,000 and increase the General Government (470) General Fund (Fund 100) Other General Fund Programs (4712) utilities budget by not-to-exceed \$4,500,000. This adjustment will allow for the funding of utilities for the remainder of the fiscal year. (C7005050800) (ADM800-003)

**SETTLEMENT AGREEMENT WITH CHAPARRAL CONSTRUCTION COMPANY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the settlement agreement with Chaparral Construction Company as discussed in Executive Session on May 16, 2005. In accordance with A.R.S. §42-17106(b), approve and authorize the transfer of \$600,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Settlements". The countywide net impact of these adjustments is zero. (C7005051100) (ADM409)

**CONSENT ORDER WITH ADEQ FOR CAVE CREEK LANDFILL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Administrative Consent Order (ACO) between the Maricopa County Solid Waste Management Department (MCSWMD) and the Arizona Department of Environment Quality (ADEQ)(ADEQ ID No. 30604) for the Cave Creek Landfill, located at 3955 E. Carefree Highway, Phoenix, Arizona. The effective date of this consent order shall be the date this consent order is signed by ADEQ and MCSWMD. The potential impact of this ACO is continued frequent sampling and the requirement to drill a third monitoring well to verify the site characterization and groundwater flow. This could result in a financial impact in excess of \$190,000. The county believes that it can obtain the information needed by ADEQ through less expensive deepening of existing wells. The county also believes that the data may show groundwater contamination impacts are from the old BLM landfill and not the more currently closed county Cave Creek Landfill, which would satisfy the ADEQ and close this ACO. (C6705003100) (ADM2075-004)

**FUNDS TRANSFER FOR ADDITIONAL VENDOR FEES FOR NORTHWEST LANDFILL TIRE COLLECTION AND ROAD GRADER PURCHASE**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a transfer of expenditure authority at fiscal year-end from General Government (470) General Government Grant Fund (249) to Solid Waste (670) Waste Tire Fund (290) of an amount not-to-exceed \$1,500,000. This action will require an expenditure appropriation adjustment decreasing the FY 2004-05 General Government (470) General fund (249) expenditure budget by not-to-exceed \$1,500,000, and increasing the FY 2004-05 Solid Waste Management (670) Fund (290) expenditure budget by not-to-exceed \$1,500,000. Approval of this action will allow the increase in budgeted expenditure authority to accommodate the additional vendor's fees in FY 2004-05 for the Northwest Landfill tire collection to be removed and recycled.

Pursuant to A.R.S. §42-17106(b), also approved was a transfer of expenditure authority at fiscal year-end from General Government (470) General Government Grant Fund (249) to Solid Waste Management Fund (580) of an amount not-to-exceed \$250,000. This action will require an expenditure appropriation adjustment decreasing the General Government (470) General Government Grant Fund (249)



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expenditure budget by not-to-exceed \$250,000, and increasing the FY 2004-05 Solid Waste Management (670) Fund (580) expenditure budget by not-to-exceed \$250,000. The appropriation adjustments will also allow the funding of the purchase of a road grader to assist in the grading of areas of erosion and settling at closed landfills. No addition to the fleet is required since this is a replacement vehicle.

These adjustments will result in a countywide net impact of zero. (C6705004M00) (ADM2075-003)

**AGREEMENT FOR SALE OF REAL PROPERTY TO TOWN OF QUEEN CREEK**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) on a roll call vote, with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" to approve the Purchase and Sale Agreement involving the sale of 33.5 acres of real property located in the County of Maricopa to the Town of Queen Creek per Intergovernmental Agreement (IGA) C67040012, executed August 27, 2003. The county will be reimbursed for the value of the land through revenues that have been collected on an ongoing basis per Section 6 of the IGA. This item was discussed in Executive Session on June 6, 2005. (C6705005000) (ADM812)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is retained in accordance with ASLAPR approved retention schedule.) (ADM2007)

- |                   |  |
|-------------------|--|
| A187.009<br>(HH)  | Project No: TT046 - 132nd Street (Chandler Heights Road to Brooks Farms Road) - Agreement for Right of Entry - Parcel No.: 303-44-006M - Deborah L. Brown - for the sum of \$500.00.   |
| A261.001<br>(LS)  | Project No: TT011 - PM10 / 191st Avenue (Van Buren to Indian School Road) - Easement and Agreement for Highway Purposes - Parcel No.: 502-36-012E - Three Continents No. 10, L.L.C., an Arizona limited liability company - for the sum of \$109,850.00. |
| A261.001<br>(LS)  | Project No: TT011 - PM10 / 191st Avenue (Van Buren to Indian School Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 502-36-012E - Three Continents No. 10, L.L.C., an Arizona limited liability company.                                |
| A263.003<br>(JPM) | Project No: TT047 - 33rd Avenue (Irvine Road to Desert Hills Drive) - Agreement for Right of Entry - Parcel No.: 203-14-015M - Byron Conrad and Terri Conrad - for the sum of \$500.00.  |
| A263.006<br>(JPM) | Project No: TT047 - 33rd Avenue (Irvine Road to Desert Hills Drive) - Agreement for Right of Entry - Parcel No.: 203-14-024J - Michael Barrow - for the sum of \$500.00.   |
| A279.015<br>(LS)  | Project No: TT028 - Rustler Road (188th to 186th) - Agreement for Right of Entry - Parcel No.: 400-52-923D - Sheri D. Padilla - for the sum of \$100.00.   |
| A279.015<br>(LS)  | Project No: TT028 - Rustler Road (186th to 188th) - Easement and Agreement for Highway Purposes - Parcel No.: 400-52-923D - Sheri D. Padilla - for the sum of \$4,596.00.  |

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A279.015 (LS)	Project No: TT028 - Rustler Road (186th to 188th) - Purchase Agreement and Escrow Instructions - Parcel No.: 400-52-923D - Sheri D. Padilla.
A289.003 (LS)	Project No: TT047 - Peak View Road (64th Street to 66th Street) - Agreement for Right of Entry - Parcel No.: 216-68-104C - William L. Kendrick, Jr. and Maryann R. Kendrick - for the sum of \$500.00.
A289.003 (LS)	Project No: TT047 - Peak View Road (64th Street to 66th Street) - Easement and Agreement for Highway Purposes - Parcel No.: 216-68-104C - William L. Kendrick, Jr. and Maryann R. Kendrick - for the sum of \$16,955.00.
A289.003 (LS)	Project No: TT047 - Peak View Road (64th Street to 66th Street) - Purchase Agreement and Escrow Instructions - Parcel No.: 216-68-104C - William L. Kendrick, Jr. and Maryann R. Kendrick.
A306.002 (JPM)	Project No: TT028 - 186th Avenue (Arlington Road to Rustler Road) - Easement and Agreement for Highway Purposes - Parcel No.: 400-52-200B - David A. Persson and Patricia Persson - for the sum of \$2,610.00.
A306.002 (JPM)	Project No: TT028 - 186th Avenue (Arlington Road to Rustler Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 400-52-200B - David A. Persson and Patricia Persson.
A310.005 (JPM)	Project No: TT028 - Arlington Road (188th Avenue to 186th Avenue) - Agreement for Right of Entry - Parcel No.: 400-53-146 - Saul T. Lerma - for the sum of \$100.00.
A319.002 (JB)	Project No: TT156 - Chandler Heights Road & 124th Street - Quit Claim Deed - Parcel No.: 303-54-003B - Janice C. Layton.
A326.001 (JPM)	Project No: TE191 - 105th Avenue at Thunderbird Boulevard - Agreement for Right of Entry - Parcel No.: 200-84-032A - Recreation Centers of Sun City, Inc. - for the sum of \$500.00.
A339.038 (JPM)	Project No: TE171 - Meeker Boulevard at Aleppo Drive - Agreement for Right of Entry - Parcel No.: 232-15-253 - Billy Ray Hughey, Trustee - for the sum of \$500.00.
DD-9490 (TS/CS)	Project No: TL008 - Dedication (212th Avenue & Patton Road) - Easement and Agreement for Highway Purposes - Parcel No.: 503-35-026F - Arizona Desert Testing, LLC, an Arizona limited liability company - for the sum of \$10.00.
DD-9490 (TS/CS)	Project No: TL008 - Dedication (212th Avenue & Patton Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 503-35-026F - Arizona Desert Testing, LLC, an Arizona limited liability company.
DD-9499 (TS/CS)	Project No: TL008 - Dedication - Easement and Agreement for Highway Purposes - Parcel No.: 220-80-007J - Spring of Life Christian Church - for the sum of \$10.00.
DD-9499 (TS/CS)	Project No: TL008 - Dedication - Purchase Agreement and Escrow Instructions - Parcel No.: 220-80-007J - Spring of Life Christian Church.

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- DD-9500 (TS) Project No: TL008 - Dedication (54th Street and Roy Rogers) - Easement and Agreement for Highway Purposes - Parcel No.: 211-42-291M - Thomas R. Johnson - for the sum of \$10.00.
- DD-9501 (TS) Project No: TL008 - Dedication (54th Street and Roy Rogers) - Easement and Agreement for Highway Purposes - Parcel No.: 211-42-291N - Allan Rosen-Ducat and Elizabeth S. Rosen-Ducat - for the sum of \$10.00.
- DD-9502 (CS) Project No: TL008 - Dedication - Easement and Agreement for Highway Purposes - Parcel No.: 220-80-004A and 004B - Ca Mesa, LLC - for the sum of \$10.00.
- DD-9503 (TS) Project No: TL008 - Dedication (54th Street and Roy Rogers) - Easement and Agreement for Highway Purposes - Parcel No.: 211-42-291J - Kevin Dimond and Lisa K. Dimond - for the sum of \$10.00.
- X-0517-2 (CS) Project No: TT068 - Ellsworth Road - Agreement for Right of Entry - Parcel No.: 304-03-016G, 016F, 016E, and 016D - Metro Phoenix Land Planners, L.L.C. - for the sum of \$500.00.

**EXTEND CONTRACT WITH SALT RIVER PROJECT AND CIP AMENDMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the extension of a design and construction contract with Salt River Project (SRP) to FY 2005-06 and authorize the expenditure of \$1,470,000 from CIP Project TT068 in FY 2005-06.

On May 5, 2004, the Board approved agenda item C6404228500, which authorizes reimbursement of \$1,641,031.00 to SRP in FY 2004-05. However, due to project delays, the contract with SRP will not be completed in FY 2004-05. A portion of the approved funds, in the amount of \$1,470,000, will be expended in FY 2005-06. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6404228501)

**TRAFFIC CONTROL CHANGE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following traffic control change.

**Northern Avenue and Reems Road** – Approve a change in traffic controls to a four-way stop (from a two-way north/south stop) on unincorporated right-of-way. (C6405198000) (F23166)

**CONSULTANT SERVICES CONTRACTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following consultant services contracts for construction administration services. Approval of these agenda items is contingent upon the Board adopting the recommended FY 2005-06 budget.

- a. **Consultant Engineering, Inc.** – Contract No. 2005-01, in an amount not-to-exceed \$2,148,883.22, for the Ellsworth Road, Germann Road to Ray Road Project (Phase I), Work Order No. T068A (68927A). (The project name has changed since the original TIP

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was approved from Germann Road to Baseline Road). (Supervisory District 1) (C6405312500)

- b. **Stanley Consultants, Inc.** – Contract No. 2005-02, in an amount not-to-exceed \$1,285,890.74, for the Ellsworth Road, Ray Road to Elliot Road Project No. T068B, (Work Order No. 68927B). (Supervisory District 1) (C6405317500)
- c. **AMEC Infrastructure, Inc.** – Contract No. 2005-03, in an amount not-to-exceed \$1,124,773.93 for the Ellsworth Road, University to McLellan Road Project No. T062, (Work Order No. 68902). (Supervisory District 2) (C6405318500)

**CONTRACT WITH PALO VERDE CONSTRUCTORS STABILIZATION AND RECLAMATION SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Job Order Contract No. 2004-92 with Palo Verde Constructors in an amount not-to-exceed \$250,000, to perform stabilization and reclamation services on an as-needed basis. The contract is effective for 365 calendar days following the Board of Supervisors' approval, with an option to renew for two additional one-year periods. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405313500)

**BIDS AND AWARD CONTRACTS FOR PM 10 ROADS PROJECTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the solicitation of bids for the PM 10 Roads. Approve the awards to the lowest responsive bidders, provided that the lowest responsive bid does not exceed the engineer's estimate by ten percent. Approval of these agenda items is contingent upon the Board adopting the recommended FY 2005-06 budget.

- a. **Southeast Valley** – Project Number T046 (Work Order No. 16223). (Supervisory Districts 1 and 2) (C6405314500)
- b. **North Valley** – Project Number T047 (Work Order No. 16224) (Supervisory District 3) (C6405315500)
- c. **Southwest Valley** – Project Number T048 (Work Order No. 16225) (Supervisory District 5) (C6405316500)

**RESOLUTION TO APPLY FOR GRANT FUNDS WITH ADOT FOR TRANSPORTATION ENHANCEMENT PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to adopt Resolution No. MCDOT 05-01 authorizing a grant application to the Arizona Department of Transportation (ADOT) for funding pertaining to the submission of projects for consideration in the Transportation Enhancement Program Round XIII. The Maricopa County Department of Transportation is requesting federal funds in the amount of \$500,000 (ceiling for local projects). Board action for budget adjustment approval will be requested if the project is selected. Transportation enhancement federal funds are to be expended on construction related costs only, therefore indirect costs cannot be recovered. (C6405319300)

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**RESOLUTION PERTAINING TO THE SUBMISSION OF PROJECTS  
FOR CONSIDERATION IN THE ARIZONA DEPARTMENT OF TRANSPORTATION  
TEA-21 ENHANCEMENT PROGRAM, ROUND XIII  
RESOLUTION No. MCDOT 05-01**

**WHEREAS**, the Arizona Department of Transportation is seeking proposals from state and local agencies for projects relating to all aspects of transportation enhancements; and

**WHEREAS**, Maricopa County through the County Transportation Department, is interested in submitting projects to be considered for funding from the Arizona Department of Transportation TEA-21 Enhancement Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Maricopa County Board of Supervisors as follows:

1. THAT approval of the submission of the Bush Highway User Pass Road to Stewart Mountain Dam Road Project for consideration in Round XIII of the Arizona Department of Transportation Enhancement Program is granted.
2. THAT Michael S. Ellegood, P.E, Transportation Director, is appointed agent for Maricopa County, to conduct all negotiations and to execute and submit all documents and any other necessary or desirable instruments in connection with such funding.

**DATED** this 8<sup>th</sup> day of June 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**INTERGOVERNMENTAL AGREEMENTS WITH CITY OF SURPRISE FOR TRAFFIC SIGNALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Intergovernmental Agreements between Maricopa County and the City of Surprise for the design and installation of traffic signals at the following intersections. Approval of these agenda items is contingent upon the Board adopting the FY 2005-06 budget.

- a. **Cactus Road and Reems Road** – The city will act as the lead agency for this project, with the county contributing 25% of the total costs, but not-to-exceed \$100,000. Request FY 2005-06 budget transfer of \$100,000 from Project No. T180, Cotton Lane Bridge at Gila River, to Project No. T004, Warranted Traffic Improvements, to fund the traffic signal design and installation. (C6405320200)
- b. **Waddell Road and Reems Road** – The city will act as the lead agency for this project, with the county contributing 25% of the total costs, but not-to-exceed \$100,000. Request FY 2005-06 budget transfer of \$100,000 from Project No. T180, Cotton Lane Bridge at Gila River, to Project No. T004, Warranted Traffic Improvements, to fund the traffic signal design and installation. (C6405321200)
- c. **Litchfield Road and Waddell Road** – The city will act as the lead agency for this project, with the county contributing 25% of the total costs, but not-to-exceed \$100,000. Request FY 2005-06 budget transfer of \$100,000 from Project No. T180, Cotton Lane Bridge at

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Gila River, to Project No. T004, Warranted Traffic Improvements, to fund the traffic signal design and installation. (C6405322200)

- d. **Peoria Road and Litchfield Road** – The county will act as the lead agency for this project, with the city contributing 50% of the total project costs. The project cost is currently estimated at \$500,000. (C6405323200)
- e. **Greenway Road and Cotton Lane** – The city will act as the lead agency for this project, with the county contributing 25% of the total project costs, but not-to-exceed \$75,000. Approval of this agenda item is contingent upon the Board adopting the FY 2006 budget. Request FY 2005-06 budget transfer of \$75,000 from Project No. T180, Cotton Lane Bridge at Gila River, to Project No. T004, Warranted Traffic Improvements, to fund the traffic signal design and installation. (C6405324200)
- f. **Litchfield Road and Cactus Road** – The city will act as the lead agency for this project, with the county contributing 25% of the total project costs, but not-to-exceed \$150,000. Approval of this agenda item is contingent upon the Board adopting the FY 2006 budget. Request FY2005-06 budget transfer of \$150,000 from Project No. T180, Cotton Lane Bridge at Gila River, to Project No. T004, Warranted Traffic Improvements, to fund the traffic signal design and installation. (C6405325200)

**ANNEXATION – TOWN OF QUEEN CREEK**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) approve the annexation of county right-of-way for the Town of Queen Creek – A portion of the north ½ of Chandler Heights Road from Hawes Road east approximately ¾ mile, in accordance with Ordinance No. 309-05. (C6405327B00) (ADM4224)

**ANNEXATION – TOWN OF QUEEN CREEK**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) approve the annexation of county right-of-way for the Town of Queen Creek – Ocotillo Road from 55' east of Crismon Road, thence east to 55' west of Signal Butte Road, in accordance with Ordinance No. 310-05. (C6405328B00) (ADM4224)

**ANNEXATION – TOWN OF QUEEN CREEK**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) approve the annexation of county right-of-way for the Town of Queen Creek – A 15' wide portion of Hawes Road lying adjacent to Montelena, a subdivision of Queen Creek, recorded in BK 671 PG 44 MCR, in accordance with Ordinance No. 311-05. (C6405329B00) (ADM4224)

**ANNEXATION – CITY OF PHOENIX**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) approve the annexation of county right-of-way for the City of Phoenix – A 10' wide by approximately 700' long tapered strip of 67th Avenue lying west of and adjacent to the west 55' of 67th Avenue, south of the C.A.P. Canal, in accordance with Ordinance G-4674. (C6405330B00) (ADM4213)

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**CONTRACTS FOR ON-CALL ENGINEERING, HYDROLOGY AND HYDRAULICS SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to award the following contracts for pending and new projects requiring On-Call Engineering, Hydrology & Hydraulics Services. Each contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$250,000, whichever occurs first. Approval of these agenda items is contingent upon the Board adopting the FY2005-06 and FY 2006-07 budgets

- a. Prestige Engineering Consultants, On-Call Contract No. 2005-53 (C6405331000)
- b. Stanley Consultants, Inc., On-Call Contract No. 2005-54 (C6405332000)

**CONTRACT WITH KIRKHAM MICHAEL CONSULTING ENGINEERS FOR ON-CALL TRAFFIC ENGINEERING SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to award On-Call Contract No. 2005-52 with Kirkham Michael Consulting Engineers, for pending and new projects requiring On-Call Traffic Engineering Services. The contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$250,000, whichever occurs first. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 and FY 2006-07 budgets. (C6405333500)

**HEARINGS SET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to set public hearings the following. All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted:

- a. **Road File Declaration** – Set a public hearing to declare the following road into the county highway system for 9:00 a.m., Wednesday, July 6, 2005.  
  
**Road File No. A282-R.** In the vicinity of Tuthill Road from Queen Creek Road to Pecos Road. (C6405311B00)
- b. **Franchise** – Set a public hearing for 9:00 a.m., Wednesday, July 6, 2005, to solicit comments on the application filed by Accipiter Communications, Inc. for a Public Service Franchise extension for telephone service. (F22179)

**HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for July 6, 2005, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2005-004; Z2003-123; Z2004-102; Z2004-103; CPA2005-03

**ASRS CLAIMS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current

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or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (ADM3309-001)

<b>EMPLOYEE NAME</b>	<b>TOTAL EMPLOYER PAYMENT</b>
Dolores Reyes	\$1,631.42
Toni Soderman	\$791.96
Mary Brooks	\$3,753.53
Sheldon Payne	\$6,031.03
Tara Mitchell	\$8,457.84
Marilyn Willman	\$84,299.83
Nadia Crosser	\$15,910.41
Annette McConnell	\$22,164.41
Karen Potter	\$4,333.00
Mary Briggs	\$10,999.89
Angelyn Okon	\$5,087.80
Mary Kinney	\$8,547.53
Barbara Davis	\$35,322.87
Joy Jenkins	\$7,855.49
Manuel Rojas Jr.	\$134.21
Catherine Lance	\$14,146.40

**APPOINTMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following Official Appointments:

- o David Lish as Special Deputy County Attorney,
- o Juanita Garza as Limited Special Deputy Clerk, and
- o Philip J. MacDonnell as Deputy County Attorney.

**CANVASS OF ELECTIONS**

No canvasses of elections were submitted by special districts at this time.

**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Assessor's recommendations for changes in classification and/or to reduce the valuation of certain properties which are now owner-occupied. (ADM723)

<b><u>PARCEL NO.</u></b>	<b><u>YEAR</u></b>	<b><u>Owner</u></b>	<b><u>FROM NO.</u></b>	<b><u>TO NO.</u></b>
116-26-082	2002	Jose Ramirez	LC/4	LC/3
116-26-082	2003	Jose Ramirez	LC/4	LC/3
116-26-082	2004	Jose Ramirez	LC/4	LC/3
123-09-127	2004	Jason Roberts	LC/4	LC/3
154-01-314	2003	Laura Mckay	LC/4	LC/3
154-01-314	2004	Laura Mckay	LC/4	LC/3
166-36-296	2004	Paul West	LC/4	LC/MIXED
214-51-438	2002	Susan Brown	LC/4	LC/3
214-51-438	2003	Susan Brown	LC/4	LC/3



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214-51-438	2004	Susan Brown	LC/4	LC/
232-32-347	2004	A Bruce Paakh	LC/4	LC/MIXED
301-66-041	2002	Pete Gutierrez	LC/4	LC/3
301-66-041	2003	Pete Gutierrez	LC/4	LC/3
301-66-041	2004	Pete Gutierrez	LC/4	LC/3
303-68-015	2002	William Quint	LC/4	LC/3
303-68-015	2003	William Quint	LC/4	LC/3
303-68-015	2004	William Quint	LC/4	LC/3
501-13-088	2002	Thelma Crawford	LC/4	LC/3
501-13-088	2003	Thelma Crawford	LC/4	LC/3
501-13-088	2004	Thelma Crawford	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session on May 16, 2005). (ADM407)

Aguilar, Cassie	\$5,000.00	Phillips, Shaun	\$5,520.00
Bowyer, David E.	\$2,417.18	Saucedo, Jonathan	\$5,200.00
Bryant, Alliyah	\$5,000.00	Sotelo, Jesse	\$5,000.00
Genduso, Patricia	\$475.00	Vu, Trung Quoc	\$14,491.04

**COMPROMISE CORRECTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to correct the requested compromise as payment in full for Anthony Leon as approved at the Board of Supervisors formal meeting on May 4, 2005 from the amount of \$25,000 to the correct amount of \$27,000 as discussed in Executive Session on May 16, 2005. (ADM407)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. The list retained in accordance with ASLAPR approved retention schedule. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Mary Ann Richardson	250056634		\$142.83
Stephen Grams	350540630	Expense	\$945.00
Barb Johnson	250060133	Payroll Clearing	\$547.39
Elmo Miles Nelson	250062786	Payroll	\$548.90

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Daniel Fierro	Pendergast SD	150113074	\$237.81
Pedro Reyes Lopez	County	150106268	\$235.21

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Kimberly S Gammage	Osborn SD	15110993	\$279.02
ESSCO	Agua Fria Union High SD	450116691	\$82.43
Patricia Hinton	Phx Elem SD	150106267	\$331.32
Trevor Johnson	EVIT	15112908	\$6,631.86
Gary Kida	FHUSD	98541427	\$428.91
Barbara A Murray	District #38	450126206	\$500.00
Rosa Amador	Alhambra SD	150123081	\$548.94
Jennifer Anderson	EVIT	150112882	\$638.42

**MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held March 23, 2005, April 4, 2005, April 6, 2005, April 18, 2005, April 20, 2005 and April 26, 2005.

**OFF-TRACK PARI-MUTUEL WAGERING PERMITS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following applications.

- a. Application filed by Yavapai County Fair Association d.b.a. Yavapai Downs at Prescott Valley for Off-Track Pari-mutuel Wagering Permit for Tip Top Bar and Grill, located at 2614 S. Wintersburg Road, Tonopah, AZ covering races from June 8, 2005 through September 6, 2005 and May 27, 2006 through September 5, 2006. (ADM151)
- b. Application filed by Turf Paradise for Off-Track Pari-mutuel Wagering Permit for Gavilan Peak Pizzeria, located at 46639 N. Black Canyon Highway, New River, AZ covering races from June 8, 2005 through May 31, 2006. (ADM151)

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated June 8, 2005, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM705)

TAX ROLL	FROM NO.	TO NO.	NET RESULT
1999	7272	7839	-\$19,878.00
2000	12191	12758	-\$49,548.44
2000	12759	12864	-\$111,111.88
2000	12865	12881	-\$71,336.18

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2000	12882	12890	-\$84,285.90
2001	37885	37938	-\$61,993.26
2001	37977	38544	-\$44,132.46
2001	38545	38720	-\$345,786.26
2001	38732	38783	-\$121,823.50
2001	38784	38828	\$41,323.60
2002	15354	15473	-\$210,586.26
2002	15474	15639	-\$190,541.30
2002	15641	15750	-\$143,123.40
2002	15751	15815	-\$26,049.46
2003	8539	8679	-\$1,173,423.82
2003	8680	8859	-\$1,335,467.98
2003	8860	8967	-\$152,681.18
2003	8968	9165	-\$159,320.38
2003	9166	9263	-\$131,429.38

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the settlement of tax cases dated June 8, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM704)

<p><b>2004</b></p> <p>ST 04-000298</p> <p>TX 03-000716</p> <p><b>2004 / 2005</b></p> <p>CV 03-023803</p> <p>ST 04-000005</p> <p>ST 04-000168</p> <p>TX 04-000756</p> <p><b>2005</b></p> <p>ST 04-000328</p>	<p>TX 04-000760</p> <p>TX 04-000770</p> <p>TX 04-000771</p> <p>TX 04-000872</p> <p>TX 04-000883</p> <p>TX 04-000968</p> <p><b>2005 / 2006</b></p> <p>ST 04-000205</p> <p><b>Outside Counsel</b></p> <p>TX 02-000431</p>
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**STALE DATED WARRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
Janele Clegg	\$426.41
Janele Clegg	\$459.16
Janele Clegg	\$393.12

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**TAX ABATEMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office. List retained in accordance with ASLAPR approved retention schedule.) (ADM708)

<b>Parcel #</b>	<b>Year</b>	<b>Proposed Abatement</b>
121-77-172	1999	\$1,004.19
928-87-927	1995	\$18,229.58
928-87-927	1996	\$19,459.02
935-68-106-5	1995	\$45,538.68
935-68-106-5	1996	\$12,807.65
935-68-106-5	1997	\$10,750.27
935-68-106-5	1998	\$10,076.11
935-68-106-5	1999	\$9,683.69
935-68-106-5	2000	\$9,351.16
935-68-106-5	2001	\$9,028.28
935-68-106-5	2002	\$9,149.70

**WRITE-OFFS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the requested write-offs for accounting purposes only for the following cases: (Discussed in Executive Session held May 16, 2005). (ADM407)

Boyd, Roger	\$19,507.48	Cantu, Eddie	\$1,211.75
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**PUBLIC COMMENT**

Anthony Abril, citizen, addressed the closing of the Ann Ott Aguilas elementary school this week. It has been in existence since 1927. He would like some kind of recognition of the historical fact. (ADM605)

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Kunasek thanked the friends of Animal Care and Control for the \$150,000 donation. (Agenda item #50) He acknowledged that the money would be spent in compliance with their stated wishes. (ADM606)

Supervisor Kunasek added that two weeks ago he cut the ribbon for a new Senior Center in New River and that the project had been many years in the making with a number of people involved in bringing it to fruition. He congratulated all on the fine outcome.

**\*\*\*The Board of Supervisors now considered matters related to Planning and Zoning.\*\*\***

**PLANNING AND ZONING AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Deputy County Manager, Darren Gerard, Deputy Planning and Development

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Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL**

1.     **DMP2002-005   District 4**  
      **Applicant:**   CMX, LLC  
      **Location:**   A 9-mile long strip of land along Perryville Road, usually varying in width from ¼-mile to 1-mile, from Bell Road on the north (in the Surprise area) stretching to Camelback Road on the south (in the west Glendale area).  
      **Request:**      Correction to a stipulation of Development Master Plan (DMP) approval for Zanjero Trails (2,665.5 ac.).

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this matter.

2.     **S2003-033       District 4**  
      **Applicant:**   Element H Savannah, LLC  
      **Location:**   East of Perryville Road, between Camelback Road and Bethany Home Road (in the west Glendale area).  
      **Request:**      Final Plat in the R1-10 and R1-18 zoning districts for Savannah (159.32 gross ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

3.     **S2004-025       District 4**  
      **Applicant:**   Tom Brown on behalf of Brown TY LLC  
      **Location:**   South of Indian School Road and east of the Tuthill Road align. (in the north Buckeye/Goodyear area).  
      **Request:**      Final Plat in the Rural-43 zoning district for Pasqualetti Mountain Ranch, Phase IV (81.69 gross ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

4.     **S2004-061       District 4**  
      **Applicant:**   Pulte Homes  
      **Location:**   North of Deer Valley Road and west of the proposed El Mirage Road align. (in the Sun City West area).  
      **Request:**      Final Plat in the R-2 RUPD zoning district for Corte Bella Country Club, Unit J (12.45 gross ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

5.     **S2004-066       District 4**  
      **Applicant:**   Pulte Homes  
      **Location:**   North of Deer Valley Road and west of the proposed El Mirage Road align. (in the Sun City West area).

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**Request:** Final Plat in the R1-6 RUPD zoning district for Corte Bella Country Club, Unit O (20.06 gross ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

- 6. S2004-067 District 3**  
**Applicant:** Stanley Consultants, Inc. on behalf of Anthem Arizona, LLC  
**Location:** Northeast of Anthem Ridge Drive in the northeast corner of the Anthem DMP (in the Anthem area).  
**Request:** Final Plat in the R1-10 RUPD and R1-35 RUPD zoning districts for Anthem Unit 48 (109.25 gross ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

**REGULAR AGENDA DETAIL:**

- 7. Z2000-136 District 4**  
**Applicant:** Coe & Van Loo Consultants  
**Location:** Southwest corner of Citrus Road and Olive Avenue (in the west Glendale/ Surprise area).  
**Request:** Major Amendment to the Residential Unit Plan of Development (RUPD) zoning districts for White Tank Foothills (approx. 640 acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2000-136, subject to the following stipulations "a" through "t". Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the zoning exhibit entitled "Rezoning Exhibit, White Tank Foothills", consisting of one full-size sheet, dated May 21, 2003, and stamped received May 27, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the bound narrative report entitled "White Tank Foothills, PAD Overlay, R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, R1-18 RUPD, Rural-43, C-2 PD Overlay) Zoning Request", consisting of 31 pages, one (1) appendix and 25 exhibits, dated revised May 2003, and stamped received May 27, 2003, except as modified by the following stipulations. A revised version shall be submitted within 30 days of approval by the Board of Supervisors to change all exhibits and text to be in concert with the zoning exhibit referenced in stipulation "a" above. Additionally, development and use of the site shall comply with the revised narrative report inclusive of a revised RUPD table entitled "White Tank Foothills Zoning Amendment Narrative", consisting of eight (8) pages, dated revised March 31, 2005, and stamped received April 1, 2005.
- c. The request for C-2 PD zoning for the 7.22-acre commercial site (Parcel 4) shall be denied as filed and approved for C-1 PD zoning. The applicant shall submit a revised narrative report and zoning exhibit reflecting such change within 30 days of approval by the Board of Supervisors.

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- d. Dedication of additional rights-of-way to bring the ultimate half-width dedication to 70' for Olive Avenue, 65' for Citrus Road and Northern Ave, and 55' for Perryville Road with a 10' adjacent easement shall occur prior to zoning clearance.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. Commercial parcels within the development shall be subject to a Plan of Development (PD) overlay.
- h. If the development of the site (recorded final plat) has not occurred within five (5) years of the date of rezoning approval by the Board of Supervisors, staff shall schedule this development for rehearing by the Planning and Zoning Commission to consider initiating a reversion of the property to its original Rural-43 zoning.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the public right-of-way.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- k. Written notification shall be provided to all future homeowners that they are located within the State-Defined Territory In The Vicinity Of a Military Airport and may be subject to loud noise and overflights from military aircraft. Such notification shall be consistent with ARS § 28-8484(A).
- l. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- m. Noncompliance with the conditions PAD/RUPD Plan (zoning exhibit and narrative report) of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. The Board of Supervisors shall process major changes to the PAD/RUPD plan as a revised application, with approval upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- o. Not less than 15 acres shall be set aside and donated (upon demand) to the Dysart Unified School District to accommodate the projected need for one ("1") school. Developer will continue to make the school site available for 15 years after the Board of Supervisors approval of the White Tank Mountain Foothills rezoning. In the event that

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the site donation is not accepted and developed within the 15-year period, or in the event that the Dysart Unified School District ever ceases to use the site, the developer may retain a right of reversion to the developer or the developer's assignee.

- p. A fire station site shall be set aside within the commercial parcel at the southwest corner of Olive Ave. and Citrus Rd. for Rural / Metro Fire Department. The Developer shall continue to make available the site to the Department unless written confirmation is provided to the Department that a site is no longer needed for a fire station.
- q. All driveways to front-loaded garages shall observe a minimum length of 18' as measured from the front property line to base or face of the garage.
- r. All final plats shall include the revised RUPD table as applicable for each zoning district.
- s. The lot table for each final plat will be required to have an asterisk for each impacted irregular lot. At the bottom of the lot table, a note will be shown indicating "Front setback distance varies on these lots, but the minimum shall not be less than 10'." The front setback shall also be delineated on the final plat for affected lots.
- t. Prior to final plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The final plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be placed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification can include such results.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "t" as given above.

**8. Z2004-062 District 2 - CONTINUED**

**Applicant:** Marken Telecom Services and Campbell A & Z, LLC for Desert Hills Baptist Church  
**Location:** West of the northwest corner of Hawes Road and McDowell Road (in the east Mesa area).  
**Request:** Special Use Permit (SUP) for a cellular communications facility in the R1-35 zoning district, Cellular Use District 1 (approx. 0.024 acres)

**COMMISSION ACTION:** Commissioner Porter moved to recommend denial of Z2004-062. Commissioner Munoz seconded the motion, which passed with a majority vote of 6-2, as follows:

Commissioner Masel - yes	Commissioner Pugmire - no
Commissioner Porter - yes	Commissioner Clayburg - no
Commissioner Barney - yes	
Commissioner Munoz - yes	
Commissioner Harris - yes	



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Chairman Aster – yes

THIS ITEM REQUIRES A  $\frac{3}{4}$  MAJORITY VOTE TO APPROVE, DUE TO OPPOSITION FROM ADJACENT PROPERTY OWNERS.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to continue this item indefinitely.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Max W. Wilson, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board